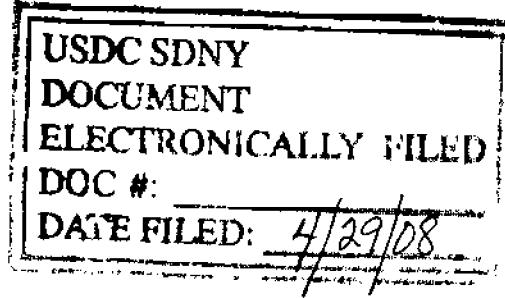


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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBERT GETSO, : **STIPULATION AND ORDER**

: 08 Civ. 1928 (LTS) (DFE)

Plaintiff,

MICHAEL J. ASTRUE,
Commissioner of
Social Security,

Defendant.

- - - - - - - - - - - - - - - - - X

WHEREAS, plaintiff brought this action pursuant to 42 U.S.C. § 405(g) to contest the Commissioner's determination that he was overpaid disability benefits; and,

WHEREAS, plaintiff had not exhausted administrative remedies with respect to the Commissioner's overpayment determination or any other claim made to the Social Security Administration ("SSA"); and,

WHEREAS, the parties wish to settle this matter without the need for further litigation;

USDC SDNY
DATE SCANNED 4/29/08

IT IS HEREBY STIPULATED AND AGREED, by and between the attorney for the defendant and the plaintiff pro se, that: (1) SSA will issue a new overpayment determination, which will contain an explanation of the facts and reasons relating to the agency's determination; (2) SSA will offer plaintiff an opportunity to participate in an in-person conference with SSA personnel to discuss the issue of waiver of any determined overpayment; (3) plaintiff may pursue his administrative remedies with respect to any adverse administrative determination made by SSA as provided in 20 C.F.R. § 404.900; and, (4) this action be, and hereby is, dismissed with prejudice and without costs to either party pursuant to Rule 41(a) of the Federal Rules of Civil

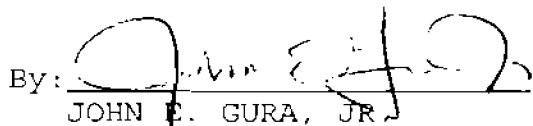
Procedure.

Dated: New York, New York
April 29, 2008



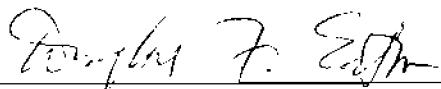
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SO ORDERED: 4/29/08



United States Magistrate Judge